

# COMMITTEE AMENDMENT FORM

DATE: 09/18/ 06

COMMITTEE      CITY UTILITIES      PAGE NUM. (S) 2

ORDINANCE I. D. #06-O-1680      SECTION (S) 3

RESOLUTION I. D. #06-R-      PARA.

AMENDS THE LEGISLATION BY DELETING LANGUAGE BEFORE “EJC”

AMENDMENT DONE BY COUNCIL STAFF 9/18/06

**A SUBSTITUTE ORDINANCE  
AS AMENDED BY  
BY CITY UTILITIES COMMITTEE**

**06-O-1680**

**AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR CERTAIN PUMPING STATION AND WATER MAINS PROJECTS; TO NEGOTIATE WITH PROPERTY OWNERS TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, INCLUDING CONDEMNATION PROCEEDINGS; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH THE DECLARATIONS OF TAKING METHOD AUTHORIZED BY O.C.G.A. §§22-3-140 AND 32-3-4 TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE WATER PROJECTS, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM APPROPRIATE LAND ACQUISITION AND EASEMENT FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) is responsible for maintaining and servicing the City’s water system; and

**WHEREAS**, the Department of Watershed Management has identified the following projects that need to commence in a timely manner: Fairburn Road Pump and Water Mains Project, Koweta Pump and Water Mains Project, Adamsville Water Mains Project, Southwest Water Mains Project, Raw Water Transmission Mains Project, North Area Main Improvements Project and City Wide Water Main Replacement projects (“Projects”); and

**WHEREAS**, the acquisition of property interests for these Projects on an expedited basis is deemed vital; and

**WHEREAS**, in order to acquire the necessary property interests, it is in the City’s best interest to allow the Mayor or her designee the authority to negotiate with property owners to acquire necessary rights-of-way and temporary or permanent construction easements and acquisition of additional property rights necessary to complete the Projects; and

**WHEREAS**, the Procurement and Real Estate Code of the City Code of Ordinances outlines the process for appraising, negotiating and purchasing property by the City, and the purchase price must be no less than the fair market value of the property as listed in the property appraisal, creating the established just compensation (“EJC”) value of the property; and

**WHEREAS**, there are occurrences when real property is listed for sale at a lower price than the appraised value; and

**WHEREAS**, during these occurrences when real property is currently listed for a lower price than the appraised value it is in the City's best interest to purchase the real property for the lower stated value, allowing the property owner to establish the EJC value of the property via the lower listed property sale price; and

**WHEREAS**, O.C.G.A. §§22-3-140 and 32-3-4 allow the declaration of taking method of condemnation to be used for acquisition of private property for, among other things, public sewage collection, treatment, and disposal system purposes as provided in Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:** That the Mayor or her designee are authorized to negotiate with the affected property owners to acquire the necessary rights-of-way and temporary or permanent construction easements and other related property interests necessary to complete the Fairburn Road Pump and Water Mains Project, Koweta Pump and Water Mains Project, Adamsville Water Mains Project, Southwest Water Mains Project, Raw Water Transmission Mains Project, North Area Main Improvements Project and City Wide Water Main Replacement projects ("Projects").

**SECTION 2:** That the requirements of City Code Sections 2-1517, 2-1541, and 2-1545 of the Procurement and Real Estate Code are waived for the Projects. That the Mayor or her designee is authorized to make purchases of affected property and easements on behalf of the City without further authorization by the City Council.

**SECTION 3:** That the Mayor or her designee is authorized to obtain appraisals to establish the EJC to be offered property owners in connection with the Projects.

**SECTION 4:** That the Mayor or her designee is authorized to purchase real property at a price lower than the appraised value if that lower price is currently listed, as properly substantiated.

**SECTION 5:** That the City and its Chief Procurement Officer or his designee are authorized to settle acquisitions of real property in an amount not to exceed ten percent (10%) above the EJC; and offer an amount not to exceed Two Hundred Fifty Dollars and No Cents (\$250.00) more than the EJC when the EJC is less than Two Thousand Five Hundred Dollars and No Cents (\$2,500.00)

**SECTION 6:** That the City's Chief Procurement Officer or his designee is authorized to administratively settle acquisitions which exceed these limitations without further authorization from Council: a) in an amount not to exceed twenty percent (20%) above the EJC; or b) Five Hundred Dollars and No Cents (\$500.00) when the EJC is below Two Thousand Five Hundred Dollars and No Cents (\$2,500.00); or c) whichever is greater.

**SECTION 7:** That if negotiations with affected property owners are successful, the Mayor or her designee is authorized to accept and execute options with such owners at the agreed price on behalf of the City for the purchase of the rights-of-way, easements and other property interest in connection with the Projects without further authorization from City Council.

**SECTION 8:** The City Attorney, or designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with the Projects, with the assistance of the City's real estate acquisition consultant.

**SECTION 9:** That if the affected property owners reject the options, and negotiations fail with such owners, the Mayor or her designee, with the assistance of the City Attorney, are authorized to use all means necessary and within their power, up to and including condemnation, to acquire the necessary easements and other related property interests, without further authorization from City Council.

**SECTION 10:** That circumstances are such that at times it will be necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A. O.C.G.A. §§22-3-140 and 32-3-4, for the construction and completion of the Projects; that the City Attorney is authorized to institute condemnation proceedings pursuant to this declaration of taking method authorized by O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to easements and other related property interests necessary for the construction of the Projects.

**SECTION 11:** That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from City Council.

**SECTION 12:** That the costs associated with this Ordinance Shall be charged to and paid from the appropriate land acquisition and easement Fund, Account, and Center Numbers.

**SECTION 13:** That all ordinances or parts of ordinances in conflict with this are waived to the extent of the conflict.

**A SUBSTITUTE ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**06-O-1680**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR CERTAIN PUMPING STATION AND WATER MAINS PROJECTS; TO NEGOTIATE WITH PROPERTY OWNERS TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, INCLUDING CONDEMNATION PROCEEDINGS; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH THE DECLARATIONS OF TAKING METHOD AUTHORIZED BY O.C.G.A. §§22-3-140 AND 32-3-4 TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE WATER PROJECTS, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM APPROPRIATE LAND ACQUISITION AND EASEMENT FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) is responsible for maintaining and servicing the City’s water system; and

**WHEREAS**, the Department of Watershed Management has identified the following projects that need to commence in a timely manner: Fairburn Road Pump and Water Mains Project, Koweta Pump and Water Mains Project, Adamsville Water Mains Project, Southwest Water Mains Project, Raw Water Transmission Mains Project, North Area Main Improvements Project and City Wide Water Main Replacement projects (“Projects”); and

**WHEREAS**, the acquisition of property interests for these Projects on an expedited basis is deemed vital; and

**WHEREAS**, in order to acquire the necessary property interests, it is in the City’s best interest to allow the Mayor or her designee the authority to negotiate with property owners to acquire necessary rights-of-way and temporary or permanent construction easements and acquisition of additional property rights necessary to complete the Projects; and

**WHEREAS**, the Procurement and Real Estate Code of the City Code of Ordinances outlines the process for appraising, negotiating and purchasing property by the City, and the purchase price must be no less than the fair market value of the property as listed in the property appraisal, creating the established just compensation (“EJC”) value of the property; and

**WHEREAS**, there are occurrences when real property is listed for sale at a lower price than the appraised value; and

**SECTION 7:** That if negotiations with affected property owners are successful, the Mayor or her designee is authorized to accept and execute options with such owners at the agreed price on behalf of the City for the purchase of the rights-of-way, easements and other property interest in connection with the Projects without further authorization from City Council.

**SECTION 8:** The City Attorney, or designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with the Projects, with the assistance of the City's real estate acquisition consultant.

**SECTION 9:** That if the affected property owners reject the options, and negotiations fail with such owners, the Mayor or her designee, with the assistance of the City Attorney, are authorized to use all means necessary and within their power, up to and including condemnation, to acquire the necessary easements and other related property interests, without further authorization from City Council.

**SECTION 10:** That circumstances are such that at times it will be necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A. O.C.G.A. §§22-3-140 and 32-3-4, for the construction and completion of the Projects; that the City Attorney is authorized to institute condemnation proceedings pursuant to this declaration of taking method authorized by O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to easements and other related property interests necessary for the construction of the Projects.

**SECTION 11:** That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from City Council.

**SECTION 12:** That the costs associated with this Ordinance Shall be charged to and paid from the appropriate land acquisition and easement Fund, Account, and Center Numbers.

**SECTION 13:** That all ordinances or parts of ordinances in conflict with this are waived to the extent of the conflict.

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CONTRACTS AND NOTICES TO PROCEED FOR CERTAIN PUMP AND WATER MAINS PROJECTS; ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, NEGOTIATE WITH PROPERTY OWNERS TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, INCLUDING CONDEMNATION PROCEEDINGS; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH THE DECLARATIONS OF TAKING METHOD AUTHORIZED BY O.C.G.A. §§22-3-140 AND 32-3-4 TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE WATER PROJECTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM APPROPRIATE LAND ACQUISITION AND EASEMENT FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") is responsible for maintaining and servicing the City's water system; and

**WHEREAS**, the Department of Watershed Management has identified four (4) projects that need to commence in a timely manner: Fairburn Road Pump and Water Mains Project, Koweta Pump and Water Mains Project, Adamsville Water Mains Project and Southwest Water Mains Project ("Projects"); and

**WHEREAS**, it is in the best interest of the City to facilitate the implementation of these Projects by allowing the Mayor or her designee to execute contracts for various surveying, geotechnical, design, acquisition, inspection and related services needed to accomplish the Projects; and

**WHEREAS**, it is in the best interest of the City to authorize the Mayor or her designee to issue notices to proceed at the appropriate times for various surveying, geotechnical design, acquisition, inspection and related services needed to accomplish the Projects; and

**WHEREAS**, the acquisition of property interests for these Projects on an expedited basis is deemed vital; and

**WHEREAS**, in order to acquire the necessary property interests, it is in the City's best interest to allow the Mayor or her designee the authority to negotiate with property owners to acquire necessary rights-of-way and temporary or permanent construction easements and acquisition of additional property rights necessary to complete the Projects; and

**WHEREAS**, the Procurement and Real Estate Code of the City Code of Ordinances outlines the process for appraising, negotiating and purchasing property by the City, and the purchase price must be no less than the fair market value of the property as listed in the property appraisal, creating the established just compensation (“EJC”) value of the property; and

**WHEREAS**, there are occurrences when real property is listed for sale at a lower price than the appraised value; and

**WHEREAS**, during these occurrences when real property is listed for a lower price than the appraised value it is in the City’s best interest to purchase the real property for the lower stated value, all owing the property owner to establish the EJC value of the property via the lower listed property sale price; and

**WHEREAS**, O.C.G.A. §§22-3-140 and 32-3-4 allow the declaration of taking method of condemnation to be used for acquisition of private property for, among other things, public sewage collection, treatment, and disposal system purposes as provided in Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That the Mayor or her designee is authorized to execute contracts for various surveying, geotechnical, design, acquisition, inspection and related services (“Contracted Services”) needed to complete the four (4) water projects identified by the Department of Watershed Management: Fairburn Road Pump and Water Mains Project, Koweta Pump and Water Mains Project, Adamsville Water Mains Project and Southwest Water Mains Project (“Projects”).

**SECTION 2:** That the Mayor or her designee is authorized to issue Notices to Proceed at the appropriate times for the various Contracted Services.

**SECTION 3:** That contract solicitations and awards for all Contracted Services necessary for the completion of the Projects will be awarded pursuant to all relevant provisions of the Procurement and Real Estate Code.

**SECTION 4:** That the Mayor or her designee are authorized to negotiate with the affected property owners to acquire the necessary rights-of-way and temporary or permanent construction easements and other related property interests necessary to complete the Projects.

**SECTION 5:** That the requirements of City Code Sections 2-1517, 2-1541, and 2-1545 of the Procurement and Real Estate Code are waived for the Projects. That the Mayor or her designee is authorized to make purchases of affected property and easements on behalf of the City without further authorization by the City Council.



**SECTION 6:** That the Mayor or her designee is authorized to obtain appraisals to establish the estimated just compensation ("EJC") to be offered property owners in connection with the Projects.

**SECTION 7:** That the Mayor or her designee is authorized to purchase real property at a price lower than the appraised value if that lower price is listed publicly.

**SECTION 8:** That the City and its purchasing agents are authorized to settle acquisitions of real property in an amount not to exceed ten percent (10%) above the EJC; and officer an amount not to exceed Two Hundred Fifty Dollars and No Cents (\$250.00) more than the EJC when the EJC is less than Two Thousand Five Hundred Dollars and No Cents (\$2,500.00)

**SECTION 9:** That the City's Purchasing Agent is authorized to administratively settle acquisitions which exceed these limitations without further authorization from Council:

- a) in an amount not to exceed twenty percent (20%) above the EJC, or
- b) Five Hundred Dollars and No Cents (\$500.00) when the EJC is below Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

**SECTION 10:** That if negotiations with affected property owners are successful, the Mayor or her designee is authorized to accept and execute options with such owners at the agreed price on behalf of the city for the purchase of the rights-of-way, easements and other property interest in connection with the Projects without further authorization from City Council.

**SECTION 11:** That the City Attorney is authorized to monitor and supervise the closing transactions with affected property owners in connection with the Projects, with the assistance of the Consultant and its subconsultants.

**SECTION 12:** That if the affected property owners reject the options, and negotiations fail with such owners, the Mayor or her designee, with the assistance of the City Attorney, is authorized to use all means necessary and within their power, up to and including condemnation, to acquire the necessary easements and other related property interests, without further authorization from City Council.

**SECTION 13:** That circumstances are such that at times it will be necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A. O.C.G.A. §§22-3-140 and 32-3-4, for the construction and completion of the Projects; that the City Attorney is authorized to institute condemnation proceedings pursuant to this declaration of taking method authorized by O.C.G.A. O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to easements and other related property interests necessary for the construction of the Projects.

**SECTION 14:** That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from City Council.

**SECTION 15:** That the costs associated with this Ordinance Shall be charged to and paid from the appropriate land acquisition and easement Fund, Account, and Center Numbers.

**SECTION 16:** That all ordinances or parts of ordinances in conflict with this are waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: July 31, 2006

Committee Meeting Date(s): August 15, 2006 Full Council Date: August 21, 2006

Commissioner Signature



CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CONTRACTS AND NOTICES TO PROCEED FOR CERTAIN PUMP AND WATER MAINS PROJECTS; ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, NEGOTIATE WITH PROPERTY OWNERS TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, INCLUDING CONDEMNATION PROCEEDINGS; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH THE DECLARATIONS OF TAKING METHOD AUTHORIZED BY O.C.G.A. §§22-3-140 AND 32-3-4 TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE WATER PROJECTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM APPROPRIATE LAND ACQUISITION AND EASEMENT FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$

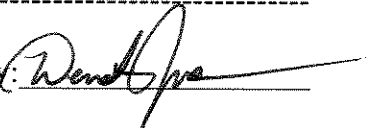
Mayor's Staff Only

Received by Mayor's Office:

(date)

8/3/06

Reviewed by:



Submitted to Council:

(date)

